

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER MEYERS,

Plaintiff

V.

UBER EATS, et al.,

Defendants

Case No.: 2:19-cv-01758-APG-VCF

Order Accepting Report and Recommendation and Dismissing Case

[ECF Nos. 5, 6]

Judge Ferenbach screened the complaint and concluded that it failed to state a basis for subject matter jurisdiction in this court. ECF No. 3. He therefore gave plaintiff Peter Meyers a deadline to file an amended complaint showing subject matter jurisdiction exists in this court. *Id.* Meyers did not file an amended complaint, so Magistrate Judge Ferenbach recommended that I dismiss the case. ECF No. 5. Defendant Checkr, Inc. filed a motion to dismiss with prejudice based on Meyers failure to file an amended complaint. ECF No. 6. Checkr also argues that Meyers failed to properly serve Checkr.

Meyers did not file an objection to the report and recommendation. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)). I therefore accept the report and recommendation. However, I dismiss without

1 prejudice because the underlying basis for dismissing the complaint was lack of subject matter
2 jurisdiction.

3 I THEREFORE ORDER that Judge Ferenbach's report and recommendation (**ECF No.**
4 **5) is accepted** and the complaint (**ECF No. 1-1) is DISMISSED without prejudice.**

5 I FURTHER ORDER that defendant Checkr's motion to dismiss (**ECF No. 6) is**
6 **DENIED as moot.**

7 I FURTHER ORDER the clerk of court to close this case.

8 DATED this 31st day of March, 2020.

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12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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